PROOFS TO SUBSTANTIATE THE VIEW OF
THE AHLUS_SUNNAH ON THE MASALA OF

THREE DIVORCES

By

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(May Allaah Ta'ala protect him)

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نحمده و نصلى على رسوله الكريم

In The Name of Allaah, The Most Gracious The Most Merciful

PROOF NUMBER ONE:

Translation – If he *(the husband)* had divorced her *(the third time),* then she is not lawful for him thereafter until she marries another husband. ***(Surah Al-Baqara, Aayat 230)***

Imaam Muhammad bin Idrees Shafi'ee (May Allaah Ta'ala have mercy on him) states, "The 'Zaahir' (apparent) of the Noble Qur'aan indicates towards the fact that one who issues his wife with three divorces, regardless of whether or not he had relations with her, she will no longer be halaal (lawful) for him until she marries another man. ***(Kitaabul Imaam, Muhammad bin Idrees Shafi'ee Vol 2 Page 1939)***

Hadhrat Abdullah bin Abbaas (May Allaah Ta'ala be pleased with him) states, "If one issues his wife with three divorces then she will not be halaal (lawful) for him until she marries another man." ***(Sunan Kubraa - Baihaqi Vol 7 Page 376, The Chapter on Talaaq)***

PROOF NUMBER TWO:

Hadhrat Sahl bin Sa’d As-Saa’idi (May Allaah Ta’ala be pleased with him) reports that Hadhrat Uwaimir (May Allaah Ta’ala be pleased with him) said, “O Messenger of Allaah! If I hold her back as my wife then I would have lied upon her. He then issued her with three divorces before Nabi (sallallahu alayhi wasallam) could instruct him. (In the narration of Abu Dawud) There is mention that when he (Uwaimir) issued his wife with three divorces in front of Nabi (sallallahu alayhi wasallam), Nabi (sallallahu alayhi wasallam) decreed that three had fallen. ***(Saheeh ul Bukhari Vol 2 Page 791; Sunan Abu Dawud Vol 1 Page 324)***

PROOF NUMBER THREE:

Hadhrat A’aisha (May Allaah Ta’ala be pleased with her) reports that a man issued his wife with three divorces and she then remarried and was again divorced (before consummating the marriage). Nabi (sallallahu alayhi wasallam) was asked if she was permissible for the first husband. He (sallallahu alayhi wasallam) replied, “No, until he (the second husband) tastes her honey (consummates the marriage by having sexual intercourse) with her just as the first had done." ***(Saheeh ul Bukhari Vol 2 Page 791, The Chapter concerning Divorce)***

PROOF NUMBER FOUR:

Hadhrat Abdullah bin Umar (May Allaah Ta'ala be pleased with him) issued his wife with one divorce in her menses. He then intended to issue her with two more divorces in her following two menses. Nabi (sallallahu alayhi wasallam) came to know of this so he (sallallahu alayhi wasallam) rebuked Hadhrat Abdullah bin Umar (May Allaah be pleased with him) thus, "Allaah Ta'ala has not commanded you to act in this manner. You have acted contrary to the Sunnah. The Sunnah method is that when her period of 'Tuhr' (period of cleanliness and purity) enters then you should issue her with one divorce in each (period of) 'Tuhr'." He (Abdullah bin Umar) states that Nabi (sallallahu alayhi wasallam) instructed him to retract his divorce. This is precisely what he done. Nabi (sallallahu alayhi wasallam) advised him that when her 'Tuhr' approaches (enters) then he may issue her divorce and if he is happy with her, then he may keep her as his wife (not issue her divorce). Upon this, Hadhrat Abdullah bin Umar (May Allaah Ta'ala be pleased with him) said, "Oh Messenger of Allaah! If I had issued her with three divorces, would it have been lawful for me to take her back?" Nabi (sallallahu alayhi wasallam) replied, "No, she would be separated from you and it would be a sin." ***(Sunan Daare Qutni Vol 4 Page 20; Hadith No. 3929)***

PROOF NUMBER FIVE:

Hadhrat Abu Salama (May Allaah Ta'ala be pleased with him) states that Hafs bin Mughirah (May Allaah Ta'ala be pleased with him) issued his wife Fatima binte Qais (May Allaah Ta'ala be pleased with her) with three simultaneous divorces (in one word) in the blessed era of Nabi (sallallahu alayhi wasallam) and Nabi (sallallahu alayhi wasallam) separated his wife from him. ***(Sunan Daare Qutni Vol 4 Page 10 Hadith No. 3877)***

PROOF NUMBER SIX:-

Hadhrat Suwayd bin Ghafla (May Allaah Ta'ala have mercy on him) reports that Hadhrat A'aisha Al-Khath'amiyyah (May Allaah Ta'ala be pleased with her) was in the marriage of Hadhrat Hasan bin Ali (May Allaah Ta'ala be pleased with him) (when Hadhrat Ali (May Allaah Ta'ala be pleased with him) was martyred and people began taking bay'at (pledging) at the hands of Hadhrat Hasan as their Khalifah). She said, 'O Ameerul Mu'mineen! Congratulations to you on being appointed Khalifah'! Upon this, Hadhrat Hasan retorted that you are expressing joy over the martyrdom of Hadhrat Ali? Go, I issue you three divorces. Upon her iddat (waiting period) expiring, Hadhrat Hasan (May Allaah Ta'ala be pleased with him) dispatched her remaining mehr (dowry) amount and ten thousand coins as charity. In response, she remarked, 'a small figure from a parting lover'. Upon hearing these words, Hadhrat Hasan began weeping and said, 'Had I not heard from my maternal grandfather, Hadhrat Nabi (sallallahu alayhi wasallam), or he said (the words) that I had not heard my father Hadhrat Ali (May Allaah Ta'ala be pleased with him) citing my grandfather as saying, "One who issues his wife with three simultaneous divorces or (one who) issues his wife with three divorces in three separate Tuhrs then she is not halaal (lawful) for him until and unless she marries another man", then I would have certainly returned to her (retracted).

(Sunan Daare Qutni Vol 4 Page 20, Hadith No.3927)

PROOF NUMBER SEVEN:-

Hadhrat Ubaadah bin Saamit (May Allaah Ta'ala be pleased with him) reports that his (paternal) grandfather issued his wife with a thousand divorces so his (the reporter's) father approached Nabi (sallallahu alayhi wasallam) and narrated the entire episode. Nabi (sallallahu alayhi wasallam) said, "Does your father (the reporter's grandfather) not fear Allaah Ta'ala? Allaah Ta'ala has only given him the right to issue (a maximum of) three divorces. The extra ninety-seven are extra and outright oppression. If Allaah Ta'ala wills He will punish him and if He wills He will forgive him." (In other words three have fallen.) ***(Musannaf Abdur Razaaq Vol 6 Page 305, The Chapter on Divorce)***

PROOF NUMBER EIGHT:-

Hadhrat Anas bin Malik (May Allaah Ta'ala be pleased with him) states, "When any such person who had issued his wife with three divorces in one sitting was brought before Hadhrat Umar (May Allaah Ta'ala be pleased with him), Hadhrat Umar would punish him and he would separate between the man and woman." ***(Musannaf Ibni Abi Shayba Vol 4 Page 11, The Chapter concerning Divorce)***

PROOF NUMBER NINE:-

Hadhrat Shareek bin Abi Namrin (May Allaah Ta'ala have mercy on him) states, "A person once came to Hadhrat Ali Murtadha (May Allaah Ta'ala be pleased with him) and said that he had issued his wife with that many divorces numbering the 'Arfaj' trees. Hadhrat Ali (May Allaah Ta'ala be pleased with him) replied, 'Take three of the Arfaj trees and leave the rest'." (Three divorces have fallen) (Arfaj – A type of tree) ***(Musannaf Abdur Razaaq Vol 6 Page 306, The Chapter concerning Divorce)***

PROOF NUMBER TEN:-

A person once came to Hadhrat Abdullah bin Abbaas (May Allaah Ta'ala be pleased with him) and said that I have issued my wife three divorces. Hadhrat

Abdullah bin Abbaas (May Allaah Ta'ala be pleased with him) replied, "You have disobeyed your Rabb and your wife is now haraam (unlawful) for you until and unless she marries another man." ***(Musnad Abu Haneefah as narrated by Imaam Abu Yusuf with the reference of Jaami'ul Masaanid of Khwaarzimi Vol 2 Page 148)***

CONSENSUS OF THE UMMAH THAT THREE DIVORCES ISSUED AMOUNT TO THREE

Imaam Ibnul Munzir (May Allaah Ta'ala have mercy on him) states, "The Fuqahaa (Jurists) and Muhadditheen (scholars of Hadith) unanimously view that when a man issues his wife with three divorces then she is not halaal (lawful) for him. Yes! When she marries another man then she becomes halaal (lawful) for the first man (i.e. only if she is divorced by the second man after consummating their marriage without this being planned). This has been clearly stated by Nabi (sallallahu alayhi wasallam)." ***(Kitaabul Ijmaa', Ibnul Munzir Page 92)***

The Great Muhaddith, Imaam Abu Ja'far Tahawi (May Allaah Ta'ala have mercy on him) states, "One who issues his wife with three simultaneous divorces will result in three divorces falling. (The proof for this is the unanimity of the Noble Sahabah (May Allaah Ta'ala be pleased with them)). When Hadhrat Umar (May Allaah Ta'ala be pleased with him) addressed his people with regards to this aspect (i.e. three divorces falling), there were many Sahabah present in the gathering who were well aware of the ruling from the blessed era of Nabi (sallallahu alayhi wasallam) despite which, none of them denied or refuted the verdict of Hadhrat Umar (May Allaah Ta'ala be pleased with him). This is the greatest form of evidence in our hands that whatever was before became 'Mansookh' (abrogated)."

Just as the practice of the Noble Sahabah (May Allaah Ta'ala be pleased with them) holds such strength and merit that it becomes Waajib (incumbent) to hold it as substantial proof, (in the same manner) the Sahabah (May Allaah Ta'ala be pleased with them) enacting unanimity on a practice also acts as substantial evidence. (The same applies in this mas'ala too)

The Great Mufassir (Commentator of the Qur'aan), Qaadhi Thanaa-ullah Paani Pati (May Allaah Ta'ala have mercy on him) writes under the commentary of the verse, (الطلاق مرتان) that the words of Allaah Ta'ala 'At-Talaaq……' according to this commentary (mentioned previously) also includes three divorces. He further writes that the Fuqahaa (Jurists) and Muhadditheen (Scholars of Hadith) unanimously view that one who issues his wife with three simultaneous divorces (in one word) will result in three divorces falling. ***(Tafseer Mazhari Vol 2 Page 300)***

AND ALLAAH TA'ALA KNOWS BEST